

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHARLES R. HICKS,

Defendant.

No. 11-cr-30207-DRH

ORDER

HERNDON, Chief Judge:

Now before the Court is defendant Charles R. Hicks' September 19, 2012, fifth unopposed motion to continue trial setting of October 1, 2012 (Doc. 39). Defendant and his counsel indicate a need for additional time to resolve various pretrial issues, in light of the recent superseding indictment. The Court being fully advised in the premises finds defendant and counsel require additional time to prepare for trial. The Court also finds that to deny a continuance of the matter would result in a miscarriage of justice. Further, the Court finds that pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial.

Therefore, the Court **GRANTS** defendant's September 19, 2012 motion to continue trial setting of October 1, 2012 (Doc. 39). The Court **CONTINUES** the

jury trial scheduled for October 1, 2012, to **Monday, December 10, 2012, at 9:00 a.m.** The time from the date the original motion was filed, September 19, 2012, until the date to which the trial is rescheduled, **December 10, 2012**, is excludable time for the purposes of speedy trial.

Finally, should any party believe that a witness will be required to travel on the Justice Prisoner and Alien Transportation System (JPATS) in order to testify at the trial of this case, a writ should be requested at least two months in advance. Further, the parties shall notify the Court if a change of plea hearing is necessary.

IT IS SO ORDERED.

Signed this 20th day of September, 2012.

Digitally signed by
David R. Herndon
Date: 2012.09.20
15:21:12 -05'00'

The block contains a digital signature in blue ink that reads "David R. Herndon". To the right of the signature is the official seal of the United States District Court for the Southern District of New York. The seal is circular, featuring an eagle with a shield on its chest, holding an olive branch and arrows. The words "UNITED STATES DISTRICT COURT" are inscribed around the top half of the seal, and "SOUTHERN DISTRICT OF NEW YORK" is inscribed around the bottom half.

**Chief Judge
United States District Court**